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6 Margarita Gaeta, et al., NO. C 05-04115 JW
7 Plaintiffs,
8 v.
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10 Perrigo Pharmaceuticals Company,
11 Defendant.

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**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

This case is scheduled for a Case Management Conference on October 31, 2011. On October 21, 2011, the parties filed a Joint Case Management Conference Statement indicating that Defendant has filed a petition for writ of certiorari with the Supreme Court which “is currently set for conference on October 28, 2011.”¹ Defendant contends that it “anticipates its petition will be granted,” in light of the Supreme Court’s “recent decision of the issues at play in this case” in two other cases, and contends that the Court should vacate the October 31 Conference and stay any further action until the Supreme Court issues its determination on Defendant’s petition. (Id.) Plaintiffs contend that because there is “no way to determine the amount of time [the Supreme Court] will take to determine whether it will accept the case,” the Court should “set this matter for trial and then inform [the Supreme Court] of the schedule so [the Supreme Court] can either issue a ruling within that time period, or stay the proceedings in this case.” (Id.)

¹ (See Joint Case Management Conference Statement at 3, Docket Item No. 393.)

1 Based on the parties' representations, the Court finds good cause to continue the Conference
2 pending the Supreme Court's determination on Defendant's petition for certiorari. Accordingly, the
3 Court CONTINUES the Case Management Conference to **December 12, 2011 at 10 a.m.** On or
4 before **December 2, 2011**, the parties shall submit a Joint Case Management Statement updating the
5 Court on the status of the Supreme Court proceedings and provide a good faith proposed schedule
6 on how this case should proceed.

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9 Dated: October 25, 2011

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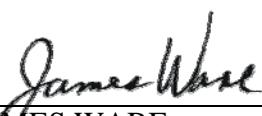
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JAMES WARE
United States District Chief Judge

United States District Court

For the Northern District of California

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15 Dated: October 25, 2011

Richard W. Wieking, Clerk

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17 By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy

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